

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CYNTHIA HUGHES,

Plaintiff,

-VS-

VERIZON WIRELESS, :
CAPITAL ONE BANK (USA), N.A., :
CAPITAL ONE AUTO FINANCE, :
TRANS UNION, EXPERIAN, and :
EQUIFAX :

Defendants.

CIVIL ACTION NO.:
13-5477 (AET)(TJB)

**CAPITAL ONE
BANK (USA), N.A.'S and
CAPITAL ONE AUTO
FINANCE'S
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

(Document Electronically Filed)

TO: Cynthia Hughes
1706 Coral Path
Wall, NJ 07719
Phone: (732) 966-0762
PRO SE

PLEASE TAKE NOTICE that, on November 18, 2013, at 10:00 a.m., or as soon thereafter as counsel may be heard, Podvey, Meanor, Catenacci, Hildner, Cocozziello & Chattman, a Professional Corporation, counsel for Defendants Capital One Auto Finance, a division of Capital One, National Association (“COAF”), and Capital One Bank (USA), N.A., (“Capital One”), identified incorrectly in the Complaint as Capital One, will respectfully move

this Court for dismissal of Plaintiff Cynthia Hughes' Complaint pursuant to Federal Rules of Civil Procedure 8 and 12(b)(6), stating as follows:

Pro se Plaintiff Cynthia Hughes' Complaint falls short of the minimum pleading requirements established by Federal Rule of Civil Procedure 8. These deficiencies mandate dismissal of the Complaint for failure to state a claim for which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that, in support of this Motion, COAF and Capital One rely upon their Memorandum of Law in Support of their Motion to Dismiss Plaintiff's Complaint, which is being filed simultaneously herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is also submitted herewith for the Court's consideration.

Oral argument is requested if the motion is opposed.

Respectfully submitted this 23rd day of October, 2013.

PODVEY, MEANOR, CATENACCI,
HILDNER, COCOZIELLO & CHATTMAN, P.C.

By: s/ Aaron H. Gould

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ATTORNEYS FOR DEFENDANTS
CAPITAL ONE BANK (USA), N.A. AND
CAPITAL ONE AUTO FINANCE

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by CM/ECF Filing, or if the party does not participate in electronic filing, by U.S. First Class Mail on this the 23rd day of October, 2013 to the following:

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s/ Aaron H. Gould
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